

FROM, WITTELS, FREUND, BERNE AND SERRA, P.C.

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MEMO ENDORSED

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April 22, 2013

Honorable Cathy Seibel
United States District Judge
United States Courthouse
300 Quarropas Street
White Plains, NY 10601*I will refer this matter to Judge
Yanthis for settlement. 4/29/13
Conference is adjourned to: 6/26/13
@ 10:30*

BY FAX: 914-390-4278

Re: Shellow v. British Airways
Docket 12-cv-5807 (CS) (GAY)*This should give Judge Yanthis ample time
to work with the parties. If no
settlement is reached, we will discuss*

Dear Judge Seibel:

*defense witnesses are set a new
discovery cut-off at the conference.*

This letter is respectfully submitted in response to the Court's memo endorsement dated April 19, 2013, on the letter of defense counsel Anthony U. Battista, Esq. The undersigned faxes it to chambers (and to Mr. Battista) because the Court wished a quick answer. This office represents Jill R. Shellow, the plaintiff in the above matter.

By letter dated April 10, 2013, plaintiff requested a pre-motion conference to discuss the issue of defendant depositions. In short, at the scheduling conference of November 16, 2012, the Court set June 14, 2013, as the deadline for the completion of depositions. While plaintiff has been deposed, no defense deposition has yet occurred. (The full account appears in plaintiff's earlier letter.) Mr. Battista responded with a letter to the Court, dated April 15, 2013, in which he proposed a settlement conference. The Court requested plaintiff's position.

Plaintiff agrees that a settlement conference is in order. However, plaintiff also remains concerned about the Court's deposition deadline should the case not settle. I discussed the matter with Mr. Battista this morning. We concur on the following request to the Court: kindly schedule a settlement conference at the Court's earliest convenience, and reschedule the pre-motion conference for as soon thereafter as the Court's schedule permits. If the matter settles, the pre-motion conference can always be cancelled; if not, the Court can address the matter of defense depositions with time remaining before the deadline. If the Court wishes Ms. Shellow to be physically present at the settlement conference, please be advised that she is out of town all of next week (April 29 to May 3). She could, of course, be available by telephone during that time.

Thank you for your consideration.

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4/23/2013

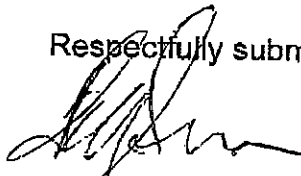
So Ordered.

Cathy Seibel

Cathy Seibel, U.S.D.J.

Dated: 4/22/13

Respectfully submitted,



Wesley M. Serra

cc.: Anthony U. Battista, Esq. (by fax: 212-370-4453)